

**IN THE UNITED STATES COURT OF APPEALS  
FOR THE SIXTH CIRCUIT**

UNITED STATES OF AMERICA,

*Plaintiff-Appellant,*

v.

DTE ENERGY CO., *et al.*,

*Defendant-Appellees.*

No. 14-2274

**CONSENT MOTION FOR MODIFICATION OF BRIEFING SCHEDULE**

Defendant-Appellees DTE Energy Company and The Detroit Edison Company (collectively, “DTE”) move for a modification of the briefing schedule to extend the time permitted for DTE’s response brief. Specifically, DTE asks that its deadline to file its response brief be extended to February 27, 2015 (from January 26, 2015).

DTE asks for this extension to accommodate competing demands on the time of its lead counsel. Specifically, the undersigned is currently involved in major challenges to EPA rules in the Supreme Court of the United States and the United States Court of Appeals for the District of Columbia Circuit, with deadlines in January, February and March. In the Supreme Court case, counsel is counsel of record with briefs due on January 20, 2015 and March 18, 2015, with argument to be scheduled during the March 25th sitting. In the other case, the undersigned is liaison counsel for dozens of industry and labor petitioners, with briefs due on February 6,

2015 and oral argument scheduled for February 25, 2015. This work will leave counsel without adequate time to prepare a brief in this matter absent the requested extension.

Counsel for DTE have conferred with counsel for the United States regarding this request. The United States consents to the relief requested.

Dated: January 12, 2015

Respectfully submitted,

/s/ F. William Brownell

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### **CERTIFICATE OF SERVICE**

Pursuant to Rule 25 of the Federal Rules of Appellate Procedure, I hereby certify that, on this 12th day of January, 2015, I caused the foregoing Consent Motion for Modification of Briefing Schedule be electronically filed with the Clerk of the Court for the United States Court of Appeals for the Sixth Circuit through the Court's CM/ECF system. All registered CM/ECF users will be served by the Court's CM/ECF system.

/s/ F. William Brownell

F. William Brownell